FORM PTO-1449	Attorney Docket Number	58027-014000
•	Application Number	To be assigned
INFORMATION DISCLOSURE	Filing Date	October 10, 2003
STATEMENT BY APPLICANT	Applicant(s)	Judy Dering et al.
(use as many sheets as necessary)	Group Art Unit	To be assigned
(use as many sneets as necessary)	Examiner Name	To be assigned

		U.	S. PATENT DOCUMENTS			
EXAMINER INITIALS	DOCUMENT NUMBER	ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	6,560,699	May 6, 2003	Konkle	713	1 (	Oct 20, 1999
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		FORE	IGN PATENT DOCUMENTS				
EXAMINER	DOCUMENT	PUBLICATION				TRANSLATION	
INITIALS	NUMBER	DATE	COUNTRY OR PATENT OFFICE	CLASS	SUBCLASS	YES	NO
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	OTHER DOCUMENTS
EXAMINER	Include name of the author (in CAPITAL LETTERS), title of the article, title of the item (book, magazine, journal, serial,
INITIALS	symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
	Masiakowski et al., "A Novel Family of Cell Surface Receptors with Tyrosine Kinase-like Domain," J. Biol. Chem., Vol. 267, No.
	36, Dec 25, 1992, pp. 26181-26190.
	Perou et al., "Molecular portraits of human breast tumours," Nature, Vol. 406, Aug 17, 2000, pp. 747-752
	Sørlie et al., "Gene expression patterns of breast carconomas distinguish tumor subclasses with clinical implications," PNAS, Vol. 98,
	No. 19, pp. 10869-70874.
	Veer et al., "Gene expression profiling predicts clinical outcome of breast cancer," Nature, Vol. 415, Jan 31, 2002, pp. 530-536.

\\LA-SRV01\203936v01\58027.014000

EXAMINER DATE
SIGNATURE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

## **PATENT**

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):

Judy Dering et al.

Docket No.

58027-014000

Filing Date:

October 10, 2003

Customer No.

33717

Title:

CONSTRAINTS-BASED ANALYSIS OF GENE EXPRESSION DATA

Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

## **INFORMATION DISCLOSURE STATEMENT [37 C.F.R. § 1.56]**

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

This Information Disclosure Statement is being submitted:

$\boxtimes$	1.	Within three months of the filing date of a national application other than a
		continued prosecution application under 37 C.F.R. § 1.53(d), or within three
*		months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.49
		in an international application; or before the mailing date of a first Office action
		on the merits, and therefore, Applicant believes no fee is required;
	2.	After the period specified in paragraph (1) above of this section, but before the
		mailing date of either a final action under 37 C.F.R. § 1.113, or a notice of
		allowance under 37 C.F.R. § 1.311, whichever occurs first, and is accompanied
		by either:
		a. A statement that:

- (i) Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months before the filing of the information disclosure statement; or
- (ii) No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months before the filing of the information disclosure statement;
- b. The fee for filing an Information Disclosure Statement under 37 C.F.R. § 1.17(p) is \$180.00.
- 3. After the period specified in paragraph (2) of this section, but on or before payment of the issue fee and is accompanied by:
  - a. A statement that:
    - (i) Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months before the filing of the information disclosure statement; or
    - (ii) No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months before the filing of the information disclosure statement;
  - b. A petition requesting consideration of the information disclosure statement; and

c. The petition fee set forth in 37 C.F.R. § 1.17(i).

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

No fee is due with this IDS. However, the Commissioner is hereby authorized to charge any required fee in connection with the submission of this paper, or to credit any overpayment to Deposit Account No. 50-2638.

Respectfully submitted,

GREENBERG TRAURIG, LLP

By

Claude L. Nassif Ph.D

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